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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,614	09/05/2003	Anthony Robert Wicks	M0274.70033US00	7995

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EXAMINER
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PATEL, MANGLESH M

ART UNIT	PAPER NUMBER
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2178

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/20/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/656,614	<b>Applicant(s)</b> WICKS, ANTHONY ROBERT	
	<b>Examiner</b> Manglesh M. Patel	<b>Art Unit</b> 2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 November 2006.
- 2a) ☒ This action is **FINAL**.      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

1. This **FINAL** action is responsive to the amendment filed on November 23, 2006.
2. Claims 1-20 are pending. Claims 1, 2 and 19 are independent claims.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 1, 2, 19 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims states "which may be allocated to the items,...." The word "may" renders the claim indefinite because it fails to distinctly claim the subject matter regarding the invention, furthermore the attributes being allocated to the items are optional and therefore do not have to be addressed, however it is still unclear from the claim language and is not limiting to just being external to and independent of the items. Appropriate corrections are required.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:  
  
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
6. Claims 1-20 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Davis (NPL, Application Development Methodology, Dec 1996, pgs 1-20) in view of Labarge (U.S. Pub 2002/0120604, filed Feb 27, 2001).  
  
Regarding Independent claim 1, Davis teaches a computer-implemented method of managing information correlating a separate list of items and a list of attributes which are external to, and independent of, the items but which may be allocated to the items, (See pg 13, wherein items and attributes as described by Davis are independent and external from each other) comprising: Displaying the list of items as a column of rows,

each row displaying the name of an item in the list of items (page 9, wherein a column of rows including the item name is shown in a list); Displaying to the side of the column a set of vertical strips extending the length of the column, each strip being associated with a different attribute of the list of attributes (page 9, wherein a strip of attributes are adjacent to the column of rows); Displaying markers in the strips at selected positions where the strips cross rows, said positions being selected in accordance with whether the item named in the crossed row has (or alternatively has not) the attribute associated with that strip (page 9, wherein the strip includes markers at selected positions and these strips cross rows); Wherein the vertical strips extend beyond the column of rows of items and have horizontal extensions themselves forming a column of rows, each row displaying the name of an attribute in the list of attributes (page 9, wherein the strips extend beyond the column of rows and include horizontal extensions that form a column of rows and each displays the name of an attribute); Wherein the method further comprises storing the name of each item in the list of items and information identifying the attributes of each item (page 9, wherein the item and information for the attributes of that item are stored within the table); Davis does not explicitly show the filter option associated with the attributes. Davis does show a key with different colors representing the markers used in the attribute strips. Labarge teaches Wherein the horizontal extension of each attribute strip further displays a filter option indicator (fig 3a & paragraphs 30-34, wherein a check box is used to represent the filter option indicator); Wherein the method further comprises receiving user input to select at least one filter option, storing the selected filter options and displaying the or each corresponding filter option indicator (fig 3a & paragraphs 30-34, wherein a check box is used to represent the filter option indicator and is stored in response to user input); Filtering the list of items according to the or each filter option selected by the user, and redisplaying the filtered list of items in the column of rows and the associated markers in the selected positions of the strips (paragraphs 34-37, wherein after the changes are made the filter includes a refresh button to re-filter the items). At the time of the invention it would have been obvious to one of ordinary skill to modify Davis table by including a filter option for the attributes. The motivation for doing so would have been to provide the user an option by allowing the user to (select or de-deselect) the attribute to apply to an entire column, thereby saving time. Saving time because the user doesn't have to go thru every single strip and deselect one by one each marker in that column for that attribute, instead they could just select the one filter box associated with the attribute.

**Regarding Independent claims 2 and 20,** Davis discloses a computer-implemented method of managing

data elements in a computer system, each data element having at least one associated attribute, the attribute being external to, and independent of, the data element but allocated to the data element, (See pg 13, wherein items and attributes as described by Davis are independent and external from each other) the method comprising: Storing identifiers of each data element and information identifying the attributes of each data element (page 9, wherein the identifiers are listed in the column for each data element identifying each of the processes. The chart also includes information identifying the attributes for the data elements of the entity type); Displaying a marker in the attribute marker section of each attribute strip if the data element possesses the attribute associated with that attribute strip based on the stored data (page 9, wherein the table includes a marker for identifying each attribute in the strip); Displaying identifiers associated with each of the data elements in a list as a column of rows, displaying a set of attribute strips extending along at least one side of the column of rows, each attribute strip being associated with a possible attribute for the data element, wherein each attribute strip has a first section containing an identifier of a possible attribute of a data element, a second section comprising a filter option indicator and wherein each attribute strip further comprises attribute marker sections for each data element (page 9, wherein the column of rows include strips adjacent to it describing the attributes that include a first section for identifying the attribute); Davis fails to explicitly teach the second section containing a filter option associated with the attribute. Labarage teaches receiving user input to select at least one filter option (fig 3a & paragraphs 30-34, wherein a check box is used to represent the filter option indicator and is stored in response to user input); Storing the selected filter options and displaying the or each corresponding filter option indicator (fig 3a & paragraphs 30-34, wherein a check box is used to represent the filter option indicator and is stored/displayed in response to user input); Filtering the data elements according to the or each filter option selected by the user (paragraphs 34-37, wherein after the changes are made the filter includes a refresh button to re-filter the items); Redisplaying the filtered data elements in the column of rows and the associated markers in the attribute marker section of each attribute strip (paragraphs 34-37, wherein after the changes are made the filter includes a refresh button to re-filter the items). At the time of the invention it would have been obvious to one of ordinary skill to modify Davis table by including a filter option for the attributes. The motivation for doing so would have been to provide the user an option by allowing the user to (select or de-deselect) the attribute to apply to an entire column, thereby saving time. Saving time because the user doesn't have to go thru every single strip and deselect one by one each marker in that column for that attribute, instead they could just select the one filter box associated with the attribute.

**Regarding Dependent claim 3, with dependency of claim 2, Davis fails to explicitly teach a filter option.**

Labarge teaches wherein data elements are selectively filtered based on the presence or on the absence of a selected attribute (fig 3a & paragraphs 30-34, wherein the items in the list are filtered according to the selection made in the filter box). At the time of the invention it would have been obvious to one of ordinary skill to modify Davis table by including a filter option for the attributes. The motivation for doing so would have been to provide the user an option by allowing the user to (select or de-deselect) the attribute to apply to an entire column, thereby saving time. Saving time because the user doesn't have to go thru every single strip and deselect one by one each marker in that column for that attribute, instead they could just select the one filter box associated with the attribute.

**Regarding Dependent claim 4, with dependency of claim 2, Davis fails to explicitly teach a filter option.**

Labarge teaches wherein the data elements are filtered using a combination of positively or negatively selected attributes (fig 3a & paragraphs 30-34, wherein either the box is selected or de-selected to apply the filtering, therefore it includes a positively or negatively selected attribute). At the time of the invention it would have been obvious to one of ordinary skill to modify Davis table by including a filter option for the attributes. The motivation for doing so would have been to provide the user an option by allowing the user to (select or de-deselect) the attribute to apply to an entire column, thereby saving time. Saving time because the user doesn't have to go thru every single strip and deselect one by one each marker in that column for that attribute, instead they could just select the one filter box associated with the attribute.

**Regarding Dependent claim 5, with dependency of claim 2, Davis teaches storing information indicating whether each data element possesses each attribute (page 9, wherein the marker itself is stored and indicated whether the data element possesses the attribute).**

**Regarding Dependent claim 6, with dependency of claim 2, Davis teaches wherein the attribute marker sections of the attribute strips are provided at the intersection between each attribute strip and each row in the column of rows (page 9, wherein the marker section is at the intersection between the strip and the row in the column of rows).**

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**Regarding Dependent claim 7**, with dependency of claim 2, Davis teaches allowing a user to select or deselect an attribute for a data element (page 9, wherein the chart shows the selected and de-selected attributes applied to the individual data elements).

**Regarding Dependent claim 8**, with dependency of claim 7, Davis teaches wherein the attributes are selected or deselected by setting the marker on or off in the attribute marker section at the intersection of the data element row and the attribute column (page 9, wherein the markers include a on or off setting, either applying by C-creating or leaving it blank with no effects).

**Regarding Dependent claim 9**, with dependency of claim 2, Davis teaches storing a first table separately from the data elements, wherein the table comprises an identifier of each attribute and a filtering flag indicating whether the attribute has been selected for filtering (page 9 wherein the table for the attribute is separate from the data items). Davis fails to explicitly teach a filtering flag associated with the attribute. Labarge teaches the use of a filtering option to have those data items effected by the attributes (fig 3a & paragraphs 30-34). At the time of the invention it would have been obvious to one of ordinary skill to modify Davis table by including a filter option for the attributes. The motivation for doing so would have been to provide the user an option by allowing the user to (select or de-deselect) the attribute to apply to an entire column, thereby saving time. Saving time because the user doesn't have to go thru every single strip and deselect one by one each marker in that column for that attribute, instead they could just select the one filter box associated with the attribute.

**Regarding Dependent claim 10**, with dependency of claim 2, Davis discloses providing a second table for storing information associated with the data elements wherein the table comprises a pointer to each data element and an attribute flag for each attribute in the first table showing whether the attribute is on or off (page 9, wherein a separate table or key table includes a pointer to each data elements attribute flag).

**Regarding Dependent claim 11**, with dependency of claim 2, Davis discloses wherein the attribute strips are arranged vertically down at least one side of the column of rows (page 9, wherein the strips are vertically down one side of the column of rows).

**Regarding Dependent claim 12**, with dependency of claim 2, Davis discloses wherein the attribute strips have horizontal extensions, a plurality of the horizontal extensions forming a second column of rows, wherein the horizontal extension of each attribute strip includes the first section containing the attribute identifier and the second section containing the filter option indicator (page 9, wherein the strips include horizontal extensions for the attributes). Davis fails to explicitly teach a filtering flag associated with the attribute. Labarge teaches the use of a filtering option to have those data items effected by the attributes (fig 3a & paragraphs 30-34). At the time of the invention it would have been obvious to one of ordinary skill to modify Davis table by including a filter option for the attributes. The motivation for doing so would have been to provide the user an option by allowing the user to (select or de-deselect) the attribute to apply to an entire column, thereby saving time. Saving time because the user doesn't have to go thru every single strip and deselect one by one each marker in that column for that attribute, instead they could just select the one filter box associated with the attribute.

**Regarding Dependent claim 13**, with dependency of claim 2, Davis discloses wherein each attribute strip is mutually visibly distinct (page 9, wherein the key includes different colors for the marker being applied to that data element. Therefore the markers that represent the attributes in the strip include color information and are mutually visibly distinct).

**Regarding Dependent claim 14**, with dependency of claim 2, Davis discloses providing a plurality of sets of attribute strips associated with a plurality of sets of attributes and providing selection means for a user to select one or more sets of attribute strips to be displayed (page 9, wherein multiple strips associated with the attributes are provided in the table and include a selection of different sets of strips).

**Regarding Dependent claim 15**, with dependency of claim 14, Davis discloses wherein seven attribute strips are provided for each page of attributes (page 10, wherein seven strips are provided for each attribute page).

**Regarding Dependent claim 16**, with dependency of claim 15, Davis teaches wherein the seven attribute strips are colored in a rainbow of colors (page 10, wherein the strips are indicated by the markers represented by color information according to the key).



**Regarding Dependent claim 17**, with dependency of claim 2, Davis teaches receiving user input to create a new attribute and assign the new attribute to selected data elements (page 10, wherein the table can include multiple entries which is design choice and dependent on the amount of data to be input).

**Regarding Dependent claim 18**, with dependency of claim 2, Davis teaches wherein identifiers of data elements that are not installed are displayed (page 10, wherein the identifiers of the data that are not installed are displayed and indicated with a read only option in the attribute strips).

**Regarding Independent claim 19**, Davis teaches a computer-implemented method for displaying a filterable list of items, the method comprising: Displaying the list of items as a column of rows, each row displaying various information pertaining to the item, this column being enclosed by a set of horizontal differently colored strips set one above the other across the top and a matching set of vertical colored strips down one or both sides, each vertical strip forming a right-angle with its correspondingly colored horizontal strip, together forming a rectangular approximation to a rainbow (page 9, wherein a column of rows including the item name is shown in a list with a strip adjacent to it representing the attributes being applied to that item); Davis fails to teach a filter box associated with the attributes. Labarge teaches displaying in each or some of the horizontal colored strips the name of an attribute that the items in the list may possess, as well as an option box to allow filtering of the list on the presence or absence of the attribute, wherein each attribute is external to, and independent of, the items but may be allocated to the items (See pg 13, wherein items and attributes as described by Davis are independent and external from each other & fig 3a & paragraphs 30-34, wherein a check box is used to represent the filter option indicator and is stored in response to user input); Davis teaches Using each rectangle formed by the intersection of a vertical colored strip and a horizontal item row to display a marker if the item possesses the attribute shown in the corresponding horizontal colored strip (page 9, wherein markers are associated with the different attributes by placing them in the strips adjacent to the data items); Further using this rectangle, where the user is allowed to set the attribute, to accept a mouse click from the user to toggle the attribute on or off for the item (page 9, wherein the user inputs the marker in the strip and includes an off or on position); Davis fails to teach a filter box associated with the attributes. Labarge teaches allocating a first table separately from the items to be listed, each element to contain an attribute name and a flag indicating whether the attribute has

been selected for filtering, and if so whether positively or negatively (fig 3a & paragraphs 30-34, wherein either the box is selected or de-selected to apply the filtering, therefore it includes a positively or negatively selected attribute); Davis teaches allocating a second table for storing as many elements as there are items to be listed, each element containing a pointer to the item, as well as a flag for each attribute in the first table showing whether the attribute is on or off (page 9, wherein a separate table from the data items is used with markers that are associated to the attributes and include an on or off indication); Initializing the first table with attribute names (page 9, wherein the first table includes attribute names); Generating entries in the second table for each item to be listed (page 9, wherein the second table includes the data items); Davis fails to teach a filter box associated with the attributes. Labarge teaches updating the filtering flags in the first table according to input from the user (paragraphs 34-37, wherein after the changes are made the filter includes a refresh button to re-filter the items); Updating the attribute flags in the second table according to input from the user (paragraphs 34-37, wherein after the changes are made the filter includes a refresh button to re-filter the items); Displaying the attributes together with the list of items or a subset thereof according to the two tables (paragraphs 34-37, wherein after the changes are made the filter includes a refresh button to re-filter the items. Wherein updating includes listing the information from the two tables). Although Davis doesn't explicitly mention the colored strips it would have been obvious to include different colored strips for different data items. The motivation for doing so would have been to allow the user to make the distinction between the corresponding data item and attributes thereby making it easier to identify the attribute with its respective data item. Further at the time of the invention it would have been obvious to one of ordinary skill to modify Davis table by including a filter option for the attributes. The motivation for doing so would have been to provide the user an option by allowing the user to (select or de-deselect) the attribute to apply to an entire column, thereby saving time. Saving time because the user doesn't have to go thru every single strip and deselect one by one each marker in that column for that attribute, instead they could just select the one filter box associated with the attribute.

It is noted that any citation [[s]] to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. [[See, MPEP 2123]]

**Response to Arguments**

7. Applicant's arguments filed November 23, 2006 have been fully considered but are not persuasive.

Applicant argues: It is only with the benefit of impermissible hindsight that the Examiner has been able to link together two selected documents and extract from these references elements having some similarity to the Applicant's invention (pg 9, paragraph 1).

Therefore, there would be no motivation for the skilled person to apply any form of filtering to the Davis System and it would certainly not be obvious to do this (pg 9, paragraph 2).

Even if the user did decide to implement a filtering system and, for a reason that the Examiner has not explained, selected the filtering system of Labarge, it would not be obvious how to apply this filter to the disclosure of Davis (pg 9, paragraph 3).

In Particular, Labarge teaches enabling a user to select which items are included or excluded from the filtering process using a check-box next to each item. This is not the same as the claimed system of providing a filter option indicator associated with each attribute, which may enable a user to select whether to filter on a particular attribute (pg 10, paragraph 1).

If the Examiner considers that the motivation to provide an option box is to enable a 'global setting' or clearing of a Labarge-type item-based option box, then that would not lead the skilled person towards the claimed invention (pg 11, paragraph 1).

However the Examiner respectfully disagrees: The motivation for the combination has already been provided. The motivation for doing so would have been to provide the user an option by allowing the user to (select or de-select) the attribute to apply to an entire column, thereby saving time. Saving time because the user doesn't have to go thru every single strip and deselect one by one each marker in that column for that attribute, instead they could just select the one filter box associated with the attribute. Further the filtering system can be readily operated by unsophisticated users to perform effective and efficient filtering of data. One of ordinary skill in the art at the time of the invention would realize that the process/Entity type Matrix of

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Davis (see pg 13) includes an intersection of attributes and items with specified values that suggest on or off such as set a value and remove a value, that alone provides a reasonable suggestion for filtering of attributes and items in a table hence allowing combination with the filtering disclosed of Labarge.

In response to applicant's argument, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

It is not necessary that the references actually suggest, expressly or in so many words the changes or improvements that applicant has made. The test for combining references is what the references as a whole would have suggested to one of ordinary skill in the art. *In re Sheckler*, 168 USPQ 716 (CCPA 1971); *In re McLaughlin* 170 USPQ 209 (CCPA 1971); *In re Young* 159 USPQ 725 (CCPA 1968).

Further more as to the reason to combine not being the same as applicant's.

If it is obvious to combine references for one reason it is obvious to combine references for all reasons. *In re Graf*, 145 USPQ 197 (CCPA 1965); *In re Finsterwalder* 168 USPQ 530 (USPQ 1970); *In re Kronig*, 539 F.2d 1300, 190 USPQ 425 (CCPA 1976). *In re Dillon*, 892 F.2d 1544, 13 USPQ 1337 (1989); *In re Dillon* 919 F.2d 688, 16 USPQ 1897 Fed. Cir. 1990) (in bane).

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Applicant argues: As with the earlier prior art cited in the previous Office Action, neither document discloses managing a list of items and separate attributes. That is, the Applicants invention lists both items and attributes and uses row/column intersections to show where attributes are possessed by items. (pg 11, paragraph 3).

Although Davis uses the word "attribute" the things thus described are not attributes in the sense of the application; they are objects. (pg 11, paragraph 3).

However the Examiner respectfully disagrees: Davis explicitly shows that the table on pg 13 includes attributes, that alone provides a reasonable suggestion to one of ordinary skill in the art. Furthermore applicant states "Davis displays the relationship between one set of items..." (pg 11, paragraph 3), therefore he does establish a relationship between attributes and items.

Applicant argues: There is no disclosure in either Davis or Labarge of providing an attribute strip with a first section containing an identifier of a possible attribute of a data element and a second section comprising a filter option indicator and further comprising attribute marker sections for each data element. (pg 12, paragraph 3).

Davis does not disclose the display of attributes of data elements as claimed and it would not be obvious to provide a filter option based on attributes. (pg 12, paragraph 4).

However the Examiner respectfully disagrees: Davis does disclose attributes, see previous argument. Davis on page 13 labels the attributes and further shows a strip of those attributes where the identifier are the actual attribute names, further he suggests filtering has described in the previous arguments. The filtering includes marker sections for the data elements or items. Markers such as on and off values EX. S-set a value and R- remove a value, are enough to suggest to one of ordinary skill that data is filtered.

Applicant argues: As set out above, Davis does not disclose any user-interaction with the tables and there is no indication anywhere in Davis that the tables are anything other than a means for displaying data that has

been gathered from other sources in a convenient form. There is certainly no disclosure in Davis of accepting a mouse click from a user to toggle an attribute on or off.. (pg 13, paragraph 5).

The Examiner agrees with applicant that Davis alone doesn't explicitly show accepting a mouse click from the user. However he does show attributes as described in the previous argument and he does suggest filtering since on page 13 the setting and removing a value indicate whether that item is on or off. Furthermore the applicant is attacking the reference individually.

One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co., Inc.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Labarge clearly shows the use of a mouse (numeral 42, fig 1) and allows the user to select values either on or off (see fig 3a numeral 312).

Applicant argues: The additional table in Davis to which the Examiner refers, is simply a key to the main table. The key indicates the meaning of the symbols in the main table, but in no way indicates whether particular attributes are set "on" or "off" for particular items. (pg 14, paragraph 1).

Examiner agrees with applicant: That the key in page 13 of Davis indicates the meaning of the symbols in the main table. However the key also indicates whether particular attributes are set on or off because as described in the previous arguments the S-set a value and R-remove a value would suggest to one of ordinary skill ON (set a value) or OFF (Remove a Value).

#### Conclusion

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8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Manglesh M. Patel whose telephone number is (571) 272-5937. The examiner can normally be reached on M, W 6 am-3 pm T, TH 6 am-2pm, Fr 9am-6pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen S. Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Manglesh M. Patel  
Patent Examiner  
February 7, 2007



**CESAR PAULA**  
**PRIMARY EXAMINER**